

**REMARKS**

Applicants request reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 1-13 are pending in the present application. Claims 1 and 8 are the independent claims.

Claim 8 has been amended. No new matter has been added.

Initially, Applicants acknowledge with appreciation the indication that claims 4 and 10 recite patentable subject matter and would be allowable if rewritten in independent form to include all of the features of the base claim and any intervening claims. By the present Amendment, Applicants have respectfully maintained claims 4 and 10 in dependent form because it is believed that their bases claims patentably define over the cited art.

The Office Action required that a sworn English-language translation of provisional application no. 60/430,333 be filed in that application. By separate paper, Applicants have filed the same along with a statement that the translation is accurate.

Favorable consideration is respectfully requested.

The Office Action objected to the Abstract. In response, Applicants have amended the Abstract and submit that the same complies with the applicable rules.

Favorable consideration is respectfully requested.

Claims 1, 3, 5, 6, 8, 11, and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5, 963,665 (Kim et al.). Claims 2 and 9 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kim et al. in view of U.S. patent No. 7,103,219 (Cahill). Claims 7 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim et al. in view of U.S. Patent No. 6,018,588 (Kim). All rejections are respectfully traversed.

Independent claim 1 recites, inter alia, a compensation value calculation unit ... calculating a function having a predetermined slope according to a range of an average brightness value.

Independent claim 8 now recites, inter alia, calculating an average pixel value of detected pixel values based on a calculated PDF.

Kim et al. relates to an image enhancing method using mean-separate histogram equalization and a circuit therefore and discusses an arrangement including a frame histogram

calculator 402 that calculates a PDF and a frame mean calculator 404. (Kim et al., FIG. 6). The frame mean calculator receives an input image X. (Id.)

Regarding the rejection of independent claim 1, the Office Action contends that the frame mean calculator is a compensation value calculation unit because the frame mean calculator is identified as calculating the mean of an input image. (Office Action, page 3). The former contention is respectfully traversed.

A review of Kim et al. reveals that the frame mean calculator does not calculate a function. Indeed, as FIG. 6 of Kim et al. teaches, the frame mean calculator only outputs a calculated mean level  $X_m$ . Thus, the frame mean calculator cannot meet the aforementioned feature of independent claims 1.

Regarding the rejection of independent claim 8, the Office Action contends that the frame mean calculator 404 of Kim et al. calculates a mean of an input image X. Assuming arguendo that this characterization is correct, Kim et al. does not teach that the frame mean calculator receives a calculated PDF. Thus, the frame mean calculator of Kim et al. cannot meet the aforementioned feature of independent claim 8.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 1 and 8 under § 102 are respectfully requested.

Regarding the rejection of claims 2 and 9 under § 103, Cahill relates to population mixture modeling with an indeterminate number of sub-populations and is cited for its alleged disclosures of various features of these claims. Applicants respectfully submit that Cahill does not add anything that would remedy the aforementioned deficiencies of Kim et al.

Regarding the rejection of claims 7 and 13 under § 103, Kim relates to an image enhancement circuit and method using mean matching/quantized mean matching histogram equalization and color compensation and is cited for its alleged disclosures of various features of these claims. Applicants respectfully submit that Kim does not add anything that would remedy the aforementioned deficiencies of Kim et al.

In view of the foregoing, Applicants respectfully submit that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.


There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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